

In re Patent Application of:  
**VITALE ET AL.**  
Serial No. 09/872,030  
Filed: June 1, 2001

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REMARKS

Claims 1 to 29 are currently pending. Claims 1 to 29 have been rejected under 35 U.S.C. 103(a) in view of United States Patent No. 5,432,705 (Severt et al) in combination with United States Patent No. 6,289,381 (Brodigan) and/or 6,853,932 (Wichelman et al) and/or 5,528,660 (Heins et al).

The Examiner and the Applicant agree that the Severt et al reference does not disclose the use of "channel configuration information" as a basis for a first set of test parameters. Moreover, since the device disclosed in the Severt et al reference relates to testing a telephone line, there would be no need or desire to modify the testing parameters based on the subscriber's subscription information and location.

In the latest action, the Examiner states that the Brodigan reference discloses the transmission of data, including subscriber and channel configuration information, to a remote device, i.e. network interface 26. Applicant also agrees with this statement, as all subscriber based communication systems rely on some form of communication between the subscriber and the central office to provide the requested channels.

However, the Applicant respectfully disagrees with the Examiner's next statement, i.e. "it would have been obvious at the time of the Applicant's invention to one of ordinary skill in this art to combine the systems of Severt and Brodigan in

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*order to provide a more detail work order assignment, thereby facilitating a more efficient field visit."*

Simply because subscriber information is passed between the central office and the subscriber, as is done in all such subscriber networks, does not make it obvious to modify or tailor test parameters based on the channel configurations and the network location when performing network testing. Since each subscriber has a different channel configuration and location, it is more efficient to modify the test parameters based on which channels the subscriber receives and the subscriber's location, in particular, since specific channels may have different frequencies in different parts of the same network, and different subscriber locations have different network elements, e.g. nodes, taps, drops, between themselves and the central station. These modifications of the test parameters enable technicians at the remote locations to more accurately interpret test results, because factors based on the channel configuration and the location have already been included. Whereas in the past using standardized test parameters, technicians could not be sure that channel configuration and location factors were not to blame for strange test results.

Even the testing disclosed in the Brodigan reference does not rely on the channel configuration information or the network location information to prepare the set of test parameters. The video testing disclosed in the Brodigan reference relies on a special video channel that provides a video clip for observation and testing. The ability to receive the test channel is provided in the subscriber's profile, but is not dependent or based on the other channels

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in the subscriber's profile or more importantly on the location of the subscriber. The test is a single clip that does not change based on the subscriber's profile or location.

Claim 11 has been amended to more clearly define the preferred method according to the present invention. In particular, to define that a test device at a remote location sends a signal to a central station, wherein the signal is used to identify the subscriber at the remote location and to tailor a set of test parameters based on the subscriber's location and information, e.g. channel configurations, channel frequencies. The unique set of test parameters is then sent back to the test device at the remote location for testing the subscriber's particular system. None of the cited references discloses a back-and-forth communication between subscriber and the central office for generating a unique set of test parameters based on the subscriber's channel configuration and location.


As such, it is respectfully submitted that all of the claims remaining in the application are in condition for allowance. Early and favorable consideration would be appreciated.

Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 50-1465 and please credit any excess fees to such deposit account.

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Respectfully submitted,


  
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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 571-273-8300 to MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, this 17 day of January 2006.

  
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